

REMARKS

Claims 1, 6 and 8 have been amended and new claims 10-12 added. Support may be found at page 2, lines 22-24, page 3, line 4, page 10, lines 11-13, and in the originally filed claims. No new matter has been added. Entry is requested. A marked-up copy of the claim is attached hereto (pages 7 and 8).

Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants submit that the foregoing amendment overcomes the Section 112 rejections. Withdrawal is requested.

Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-24 of Mehaffy *et al.* (U.S. Patent No. 6, 117,945).

Concurrently filed herewith is a terminal disclaimer, disclaiming any portion of the term of any patent issuing from the subject application that extends beyond the expiration date of commonly assigned U.S. Patent No. 6, 117,945. Withdrawal of the obviousness-type double patenting rejection is requested.

Claims 1-9 are rejected under 35 U.S.C. § 102 (e) as being anticipated by or under 35 U.S.C. § 103 (a) as being unpatentable obvious over Mehaffy *et al.* (U.S. Patent No. 6, 117,945).

U.S. Patent No. 6, 117,945 to Mehaffy *et al.* and the subject application are commonly assigned. As such, this rejection is deemed to be improper and withdrawal is respectfully requested

Claims 1-9 are rejected under 35 U.S.C. § 102 (b) as being anticipated by or under 35 U.S.C. § 103 (a) as being unpatentable obvious over Kosaka *et al.* (U.S. Patent No. 3,944,695), Bodourogloou (U.S. Patent No. 4,960,295) or Liedermooy *et al.* (U.S. Patent No. 5,500,472).

Applicants respectfully disagree.

Kosaka et al. discloses a heat printing sheet comprising a substrate having coated thereon a composition comprising 10-60 % by weight of a tackifier, 5-50% by weight of a wax, 10-60% by weight of an ethylene vinyl acetate copolymer that contains 5-50% by weight vinyl acetate that has a melt index of 4-1000g/min, 5-40% filler and a pigment. The components are selected to be useful for the contemplated purpose and must contain a filler and a pigment. While Kosaka discloses and claims that the vinyl acetate component of the ethylene vinyl acetate copolymer have a melt index of 4-1000 g/10min, preferred for use is vinyl acetate having a melt index of 15-400g/min (col. 1, lines 61-63). The vinyl acetate in the exemplified embodiment (see example 1) has a melt index of 150g/min. Applicants' claimed hot melt adhesive composition is clearly not contemplated by Kosaka. Kosaka neither anticipates the hot melt adhesive composition claimed by applicants nor suggests how to make such a composition. Withdrawal is requested.

Bodourogloou discloses hot melt adhesive compositions containing a primer and a glue formulation. The primer is applied at a temperature of between about 310°F and about 360°F (col. 4, lines 6-7). The glue formulation is applied at a temperature of between about 335°F to about 365°F. Bodourogloou neither discloses nor suggests

applicants' hot melt adhesive that is formulated for application at temperatures of 200°F - 300°F. Withdrawal is requested.

Liedermooy et al. disclose a hot melt adhesive composition that contains an ethylene n-butyl acrylate copolymer, a tackifying resin and a wax, and which may optionally contain up to 20% by weight of another polymeric additive, such as ethylene vinyl acetate containing 10-40% by weight vinyl acetate. There is no disclosure or suggestion that a low application temperature hot melt adhesive may be prepared using an ethylene vinyl acetate copolymer as claimed by applicants (5-60% EVA with 30-50% VA), let alone formulating a hot melt adhesive comprising 35 to 45 % by weight of an ethylene vinyl acetate copolymer that is preferred for used (see page 2, lines 22-24) and required for used in claim 8 (35 % EVA with 40 % VA) and claim 11 (35-45% EVA with 30-50% VA). Withdrawal is requested.

Applicants submit that the claimed invention represents a patentable contribution to the art. Early and favorable action is solicited.

Respectfully submitted,



Cynthia L. Foulke  
Reg. No. 32,364

February 20, 2002  
National Starch and Chemical Company  
P.O. Box 6500  
Bridgewater, New Jersey 08807-0500  
(908) 685-7483

Marked-up copy of claims showing changes made

Claim 1 (amended). A hot melt adhesive composition comprising[:], by weight of the hot melt adhesive composition,

- a) about 5 weight percent to about 60 weight percent of an ethylene vinyl acetate copolymer having a vinyl acetate content of about 30 weight percent to 50 weight percent and a melt index of about 700 to 4,000 dg/min;
- b) about 5 weight percent to about 60 weight percent of a tackifier; and
- c) about 15 weight percent to about 55 weight percent of a wax with a melting point of about 125°F to 180°F;

wherein the hot melt composition can be applied at a temperature of 200°F to 300°F.

Claim 6 (amended). An adhesive according to Claim 1 wherein the wax is paraffin wax or [low melting point] synthetic wax.

Claim 8 (amended). A hot melt [An] adhesive composition comprising[:], by weight of the hot melt adhesive composition,

- a) about 35 weight percent of an ethylene vinyl acetate copolymer with about 40 weight percent vinyl acetate and having a melt index of at about 1,000;
- b) about 30 weight percent of a tackifier selected from the group consisting of terpene, terpene phenolic, modified terpenes, and combinations thereof;
- c) about 5 weight percent of at least one additional tackifier selected from the group consisting of [hydrogenated glycerol,] pentaerythritol, hydrogenated glycerol, and combinations thereof;
- d) about 30 weight percent of a wax with a melting point of about 150°F;  
wherein the hot melt composition can be applied at a temperature of 200°F to 300°F.

Claim 10 (new). An adhesive according to Claim 3 which comprises a terpene phenolic tackifier.

Claim 11 (new). An adhesive according to Claim 1 which comprises about 35 weight percent to about 45 weight percent of an ethylene vinyl acetate copolymer.

Claim 12 (new). A method of bonding substrates together, said method comprising applying, at an application temperature of 200°F to 300°F, the hot melt adhesive composition of claim 1 to a first substrate, bringing a second substrate in contact with the composition applied to the first substrate, whereby the first substrate becomes bonded to the second substrate.